

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Stuart A. Turner,

Case No. 4:23-cv-40

Petitioner,

v.

ORDER

Fernando Garza, Warden,

Respondent.

*Pro se* Petitioner Stuart A. Turner has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, arguing the First Step Act of 2018 requires the Federal Bureau of Prisons (the “BOP”) to recalculate his good time credit and to release him at an earlier date. (Doc. No. 1).

Before me is the December 14, 2023 interim Report and Recommendation of Magistrate Judge Amanda M. Knapp, concerning certain motions filed by Turner and Respondent. (Doc. No. 17).

Judge Knapp recommends as follows:

- I deny as moot Respondent’s Motion to Dismiss Petitioner’s 28 U.S.C. § 2241 Petition (“Petition”) (Doc. No. 4);
- I grant in part and deny in part Petitioner’s Motion for Leave to Amend Petition for Writ of Habeas Corpus (Doc. No. 6). Judge Knapp recommends I grant the motion to amend as to proposed amended Ground Two and deny the motion as to proposed amended Ground One; and
- I deny Petitioner’s Motion for Temporary Restraining Order and Preliminary Injunction (Doc. No. 14); Petitioner’s Renewed Motion for Expedited Briefing Schedule and Expedited Habeas Review (Doc. No. 7); Petitioner’s Motion for Leave to File Declaration (Doc. No. 12); and Petitioner’s motion to compel (Doc. No. 13).

(Doc. No. 17 at 12).

Under the relevant statute, “[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.” 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949 (6th Cir. 1981). The deadline to file objections was January 24, 2024. (*See* Doc. No. 18 and related docket entry text). The petitioner has not filed any objections, and that deadline has passed.

The failure to file written objections to the Magistrate Judge’s Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813, 815 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d at 950; *Smith v. Detroit Fed’n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (“[O]nly those specific objections to the magistrate’s report made to the district court will be preserved for appellate review.”).

Following my review of the Magistrate Judge’s Report and Recommendation, I accept Judge Knapp’s recommendation. Further, I hereby order Turner to file his amended petition within 30 days of the date of this Order. If he does not do so, this case will be dismissed for want of prosecution.

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge